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10/687,055	10/15/2003	David J. Buckley	2895P	7523

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EXAMINER
JOO, JOSHUA

ART UNIT	PAPER NUMBER
2154	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/687,055	BUCKLEY, DAVID J.
	Examiner	Art Unit	
	JOSHUA JOO	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-15 and 17-28* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-15 and 17-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 October 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Detailed Action

1.   This Office action is in response to communication dated 08/06/2008.

        Claims 1, 3-15, 17-28 are presented for examination.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR

1.17(e), was filed in this application after final rejection. Since this application is eligible for continued

examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the

finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's

submission filed on 07/21/2008 has been entered.

Response to Arguments

3   Applicant's arguments with respect to claims 1, 3-15, 17-28 have been considered but are moot in

view of the new ground(s) of rejection. New ground(s) of rejection are necessitated by Applicant's

amendment.

Drawings

4.   The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of

the invention specified in the claims. Therefore, the amended feature of "determining a composite rating

for the wireless device application based on the rating received from a plurality of wireless devices and

making the composite rating accessible to a wireless device user" and the feature of claim 7 must be

shown or the feature(s) canceled from the claim(s). No new matter should be entered.

        Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office

action to avoid abandonment of the application. Any amended replacement drawing sheet should include

all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being

amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a

drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and

where necessary, the remaining figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional replacement sheets may be

necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing

date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be

notified and informed of any required corrective action in the next Office action. The objection to the

drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 1, 3-15, 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato et al.

US Publication #2002/0062268 (Sato hereinafter), in view of Ross et al. US Patent #6,792,244 (Ross

hereinafter) and Clendinning et al. US Publication #2002/0107861 (Clendinning hereinafter).

7.   As per claims 1 and 15, Sato teaches substantially the invention as claimed including a method

and computer readable medium for submitting ratings for an "item", comprising the steps of:

        a) receiving a rating for the "item" by a wireless device (Paragraph 0058. User specifies rating

for item. Paragraph 0211. Client can be a terminal capable of mobile communications.); and

b) sending the rating from the wireless device to a server (Paragraphs 0084; 0086. Client

transmits rating value.);

c) receiving the rating from the wireless device by the server (Paragraph 0088. Receive rating

request.);

d) determining if a database coupled to the server is storing a previous rating for the "item" from

the wireless device (Paragraph 0088. Input rating value for received client identifier. A rating value for

item identifier already recorded may be determined.);

e) replacing the previous rating with the received rating, if the database is storing the previous

rating (Paragraph 0088. Rewrite rating value to the latest rating.).

8.   Sato teaches of submitting a rating for an "item", wherein the "item" may comprise various

content (Paragraph 0052) but does not specifically teach that the "item" is a wireless device application.

Sato teaches of receiving ratings from a plurality of wireless devices but does not specifically teach of

determining a compositing rating for the wireless device application based on the ratings received and

making the composite rating accessible to a wireless device user.

9.   Ross teaches a system for collecting opinions of applications, wherein a type of rating for a

wireless device application is sent from a wireless device (col. 3, lines 21-25; col. 4, lines 1-7, 36-41).

10.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings for the "item" in which the rating is submitted as taught by Sato to comprise a

wireless device application for the wireless device as taught by Ross. The combined teachings would

yield a predictable result of increasing the amount of data collect regarding user preference and allowing

Sato's system to increase recommended item information that is available for users including information

for wireless device applications. Furthermore, because both references teach methods of collecting

evaluation information, it would have been obvious to substitute an "item" of Sato with the wireless

device application of Ross to achieve a predictable result of collecting evaluation information regarding

the items. Lastly, Ross's method to provide rating for wireless device applications would ensure that users actually used or possessed certain items, which would increase the relevancy of feedbacks.

11.   Clendinning teaches of a system for collecting and displaying information on a product, wherein a compositing rating for a product is determined based on received ratings from users and the composite rating is made accessible to users (Paragraphs 0021; 0076-0077; 0079).

12.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to create a compositing rating as taught by Clendinning based on the received ratings for a wireless device application from a plurality of wireless devices as taught by Sato and Ross; and to make the composite rating accessible as taught by Clendinning to a wireless device user as taught by Sato. The motivation for the suggested combination is that Clendinning's teachings improve the suggested system by providing descriptive feedback information, e.g. reviews, vendor rating, product rating, that would allow a user to make an informed decision about products.

13.   As per claims 10 and 24, Sato teaches substantially the invention as claimed including a method and computer readable medium for obtaining ratings for a wireless device application, comprising the steps of:

a) receiving a packet from a wireless device, wherein the packet comprises a rating for the "item" (Paragraphs 0084; 0086. Receive rating value transmitted by client. Paragraph 0211. Client can be a terminal capable of mobile communications.);

b) determining if a database is storing a previous rating for the "item" from the wireless device (Paragraph 0088. Input rating value for received client identifier. A rating value for item identifier already recorded may be determined.);

c) replacing the previous rating with the rating in the packet, if the database is storing the previous rating (Paragraph 0088. Rewrite rating value to the latest rating.); and

d) inserting the rating in the packet, a unique identifier for the wireless device and an "item" identifier for the "item" into the database, if the database is not storing the previous rating (fig. 6; paragraph 0088. Record rating value associated with client and item identifiers.).

14.   Sato teaches of submitting a rating for an "item", wherein the "item" may comprise various content (Paragraph 0052) but does not specifically teach that the "item" is a wireless device application. Sato teaches of receiving ratings from a plurality of wireless devices but does not specifically teach of determining a compositing rating for the wireless device application based on the ratings received and making the composite rating accessible to a wireless device user.

15.   Ross teaches a system for collecting opinions of applications, wherein a type of rating and identity for a wireless device application are sent from a wireless device and stored on a server (col. 3, lines 21-25; col. 4, lines 1-7, 36-41; col. 5, lines 50-54).

16.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the "item" in which the rating is submitted as taught by Sato to comprise a wireless device application for the wireless device as taught by Ross, and to store the rating and identifier of the wireless device application as taught by Ross. The combined teachings would yield a predictable result of increasing the amount of data collect regarding user preference and allowing Sato's system to increase recommended item information that is available for users including information for wireless device applications. Furthermore, because both references teach methods of collecting evaluation information, it would have been obvious to substitute an "item" of Sato with the wireless device application of Ross to achieve a predictable result of collecting evaluation information regarding the items. Lastly, Ross's method to provide rating for wireless device applications would ensure that users actually used or possessed certain items, which would increase the relevancy of feedbacks.

17.   Clendinning teaches of a system for collecting and displaying information on a product, wherein a compositing rating for a product is determined based on received ratings from users and the composite rating is made accessible to users (Paragraphs 0021; 0076-0077; 0079).

18.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to create a compositing rating as taught by Clendinning based on the received ratings for a wireless device application from a plurality of wireless devices as taught by Sato and Ross; and to make the composite rating accessible as taught by Clendinning to a wireless device user as taught by Sato. The motivation for the suggested combination is that Clendinning's teachings improve the suggested system by providing descriptive feedback information, e.g. reviews, vendor rating, product rating, that would allow a user to make an informed decision about products.

19.   As per claims 13 and 27, Sato teaches substantially the invention as claimed including a method and computer readable medium for submitting ratings for a wireless device application, comprising the steps of:

a) receiving a rating for the "item" by a wireless device (Paragraph 0058. User specifies rating for item. Paragraph 0211. Client can be a terminal capable of mobile communications.);

b) creating a packet comprising the rating, a unique identifier for the wireless device, and an "item" identifier for the "item" (Paragraphs 0083-0084. Client identifier, item identifier, and the rating value.);

c) sending the packet to a server (Paragraphs 0084; 0088. Send client identifier, item identifier, and the rating value.);

d) determining if a database coupled to the server is storing a previous rating for the "item" from the wireless device (Paragraph 0088. Input rating value for received client identifier. A rating value for item identifier already recorded may be determined.);

e) replacing the previous rating with the rating in the packet, if the database is storing the previous rating (Paragraph 0088. Rewrite rating value to the latest rating.); and

f) inserting the rating, the unique identifier, and the "item" identifier from the packet into the database, if the database is not storing the previous rating (fig. 6; paragraph 0088. Record rating value associated with client and item identifiers.).

20.   Sato teaches of submitting a rating for an "item", wherein the "item" may comprise various content (Paragraph 0052) but does not specifically teach that the "item" is a wireless device application. Sato teaches of receiving ratings from a plurality of wireless devices but does not specifically teach of determining a compositing rating for the wireless device application based on the ratings received and making the composite rating accessible to a wireless device user.

21.   Ross teaches a system for collecting opinions of applications, wherein a type of rating and identity for a wireless device application are sent from a wireless device and stored on a server (col. 3, lines 21-25; col. 4, lines 1-7, 36-41; col. 5, lines 50-54).

22.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the "item" in which the rating is submitted as taught by Sato to comprise a wireless device application for the wireless device as taught by Ross, and to store the rating and identifier of the wireless device application as taught by Ross. The combined teachings would yield a predictable result of increasing the amount of data collect regarding user preference and allowing Sato's system to increase recommended item information that is available for users including information for wireless device applications. Furthermore, because both references teach methods of collecting evaluation information, it would have been obvious to substitute an "item" of Sato with the wireless device application of Ross to achieve a predictable result of collecting evaluation information regarding the items. Lastly, Ross's method to provide rating for wireless device applications would ensure that users actually used or possessed certain items, which would increase the relevancy of feedbacks.

23.   Clendinning teaches of a system for collecting and displaying information on a product, wherein a compositing rating for a product is determined based on received ratings from users and the composite rating is made accessible to users (Paragraphs 0021; 0076-0077; 0079).

24.   It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to create a compositing rating as taught by Clendinning based on the received ratings for a wireless device application from a plurality of wireless devices as taught by Sato and Ross; and to make the composite rating accessible as taught by Clendinning to a wireless device user as taught by Sato. The motivation for the suggested combination is that Clendinning's teachings improve the suggested system by providing descriptive feedback information, e.g. reviews, vendor rating, product rating, that would allow a user to make an informed decision about products.

25.   As per claims 14 and 28, Sato teaches substantially the invention as claimed including a method and computer readable medium for obtaining a rating for a wireless device application, comprising the steps of:

           a) receiving a rating for the "item" "from" a wireless device via an Internet web site (Paragraph 0063. Internet. Paragraph 0212. input/output may be web pages.);

           b) determining if a database is storing a previous rating for the "item" from the wireless device (Paragraph 0088. Input rating value for received client identifier. A rating value for item identifier already recorded may be determined.);

           c) replacing the previous rating with the received rating, if the database is storing the previous rating (Paragraph 0088. Rewrite rating value to the latest rating.); and

           d) inserting the received rating, a unique identifier for the wireless device, and an "item" identifier for the "item" into the database, if the database is not storing the previous rating (fig. 6; paragraph 0088. Record rating value associated with client and item identifiers.).

26.   Sato teaches of submitting a rating for an "item", wherein the "item" may comprise various

content (Paragraph 0052) but does not specifically teach that the "item" is a wireless device application

and that the "item" is on the wireless device.   Sato teaches of receiving ratings from a plurality of

wireless devices but does not specifically teach of determining a compositing rating for the wireless

device application based on the ratings received and making the composite rating accessible to a wireless

device user.

27.   Ross teaches a system for collecting opinions of applications, wherein a type of rating and

identity for a wireless device application on a wireless device are sent to a server (col. 3, lines 21-25; col.

4, lines 1-7, 36-41; col. 5, lines 50-54).

28.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings for the "item" in which the rating is submitted as taught by Sato to comprise a

wireless device application for the wireless device as taught by Ross, and to store the rating and identifier

of the wireless device application as taught by Ross. The combined teachings would yield a predictable

result of increasing the amount of data collect regarding user preference and allowing Sato's system to

increase recommended item information that is available for users including information for wireless

device applications. Furthermore, because both references teach methods of collecting evaluation

information, it would have been obvious to substitute an "item" of Sato with the wireless device

application of Ross to achieve a predictable result of collecting evaluation information regarding the

items. Lastly, it would have been obvious to one of ordinary skill to combine the teachings to provide a

rating for a wireless device application on the wireless device as taught by Ross, which would ensure that

users actually used or possessed certain items, which would increase the relevancy of feedbacks.

29.   Clendinning teaches of a system for collecting and displaying information on a product, wherein

a compositing rating for a product is determined based on received ratings from users and the composite

rating is made accessible to users (Paragraphs 0021; 0076-0077; 0079).

30.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings to create a compositing rating as taught by Clendinning based on the received

ratings for a wireless device application from a plurality of wireless devices as taught by Sato and Ross;

and to make the composite rating accessible as taught by Clendinning to a wireless device user as taught

by Sato. The motivation for the suggested combination is that Clendinning's teachings improve the

suggested system by providing descriptive feedback information, e.g. reviews, vendor rating, product

rating, that would allow a user to make an informed decision about products.

31.   As per claims 3 and 17, Sato, Ross, and Clendinning taught the invention of claims 1 and 15 of

sending a rating for a wireless device application. Sato further teaches wherein prior to the receiving step,

comprises: (a1) displaying an option to submit the rating for the wireless device application (Sato:

Paragraph 0058. User specifies an item and enters a rating.).

32.   As per claims 4 and 18, Sato, Ross, and Clendinning taught the invention of claims 1 and 18 of

sending a rating for a wireless device application. Sato further teaches wherein the sending step (b)

comprises: (b1) creating a packet comprising the rating, a unique identifier for the wireless device, and an

application identifier for the wireless device application (Sato: Paragraph 0084. Send rating value, client

identifier, and item identifier along with request.).

33.   As per claims 5 and 19, Sato, Ross, and Clendinning taught the invention of claims 4 and 18.

Sato further teaches: (b2) launching a mobile web session; and (b3) sending the packet to the server

(Paragraph 0084. Client transmits rating value along with request. Paragraph 0212. Input/output may be

web pages.).

34.   As per claims 6 and 20, Sato does not specifically teach the invention of claims 4 and 18, further

comprising: (b2) sending the packet to the server utilizing an Application Programming Interface (API)

within the wireless device application.

35.   Russ teaches of providing user opinion of wireless applications, wherein a software application

comes with surveys and the application sends user opinion to a server (col. 1, lines 29-33. API is inherent

to interface with OS or communications protocol to communicate to a server.).

36.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings to the send packet to the server utilizing Application Programming Interface

(API) within the wireless device application, which would provide an interface for applications to be able

to communicate ratings to the server.

37.   As per claims 7 and 21, Sato does not specifically teach the invention of claims 4 and 18, wherein

the packet further comprises free form text received by the wireless device.

38.   Russ teaches of providing user opinion of wireless applications, wherein the opinion may be

based on a questionnaire with questions such as user like, dislike, likelihood to download another

application, or any marketing questions known in the art (col. 5, lines 43-49).

39.   Sato and Russ do not specifically teach of "free form text". However, it is well known in the art

that questionnaires usually provide options for additional comments, wherein a user may enter comments

other than responses based on predetermined choices for answers. It would have been obvious to one of

ordinary skill in the art to provide free form text because free form text would allow the user of the

application to provide descriptive user opinion regarding the application and provide feedback that is

outside of choices of responses. This type of information would provide relevant and useful feedback

information to the service provider and manufacturer.

40.   As per claims 8 and 22, Sato, Ross, and Clendinning taught the invention of claims 4 and 18.

Sato and Ross further teach the method comprising: (g) inserting the rating, the unique identifier, and the

application identifier from the packet into the database, if the database is not storing the previous rating

(fig. 6; paragraph 0088. Record rating value associated with client and item identifiers.).

41.   As per claims 9 and 23, Sato does not specifically teach the invention of claims 1 and 22, wherein

the determining step (d) comprises: (d1) determining that the wireless device owns the wireless device

application.

42.   Ross teaches a system for collecting opinions of applications, wherein it is determined whether

the wireless device owns the wireless device application (col. 4, lines 52-59. Detect registered software

application on wireless device. col. 5, lines 50-54; col. 6, lines 8-12. Determine whether message is

received by the handset. Server receives and determines opinion data only when wireless device has

registered the application.).

43.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings to determine that the wireless device owns the wireless device application. The

motivation for the suggested combination is that Ross' teachings would improve the suggested system by

allowing collection of opinions from users who have actually used the products, which would provide

valuable marketing data (col. 1, lines 60-64; col. 2, lines 44-47).

44.   As per claims 11 and 25, Sato teaches the invention of claims 10 and 24, wherein the packet

further comprises the unique identifier for the wireless device and the "item" identifier (Paragraph 0084.

Client identifier and item identifier.). Sato does not specifically of an application identifier.

45.   Ross teaches a system for collecting opinions of applications, wherein user opinion data and

application identifier are sent to a server (col. 5, lines 50-54).

46.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings to send the application identifier along with the client identifier, which would

allow the server to keep records of applications and the applications' associated ratings submitted, and

provide feedbacks associated with the applications.

47.   As per claims 12 and 26, Sato does not specifically teach the invention of claims 10 and 24,

wherein the determining step (b) further comprises: (b1) determining that the wireless device owns the

wireless device application.

48.   Ross teaches a system for collecting opinions of applications, wherein it is determined whether

the wireless device owns the wireless device application (col. 4, lines 52-59. Detect registered software

application on wireless device. col. 5, lines 50-54; col. 6, lines 8-12. Determine whether message is

received by the handset. Server receives and determines opinion data only when wireless device has

registered the application).

49.   It would have been obvious to one of ordinary skill in the art at the time the invention was made

to combine the teachings to determine that the wireless device owns the wireless device application. The

motivation for the suggested combination is that Ross' teachings would improve the suggested system by

allowing collection of opinions from users who have actually used the products, which would provide

valuable marketing data (col. 1, lines 60-64; col. 2, lines 44-47).

Conclusion

50.   The following prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

      i)   English, US Publication #2003/0055723 teaches of ratings vendors and products,
                    determining an average of all ratings, and allowing consumer to view ratings.

51.   A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action.

52.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be

reached on Monday to Thursday 8AM to 5PM and every other Friday.

53.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-8300.

54.   Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/J. J./
Examiner, Art Unit 2154

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2154